

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----	x	
	:	
In re: NEURONTIN MARKETING AND	:	
SALES PRACTICES LITIGATION	:	MDL Docket No. 1629
-----	x	Master File No. 04-10981
	:	
THIS DOCUMENT RELATES TO:	:	Judge Patti B. Saris
	:	
-----	x	
	:	
THE GUARDIAN LIFE INSURANCE COMPANY OF	:	
AMERICA v. PFIZER INC. and	:	
	:	
	:	
AETNA, INC. v. PFIZER INC.	:	
	:	
-----	x	

MOTION TO DISMISS

Defendants Pfizer Inc. and Warner Lambert Company (“Defendants”) respectfully move, pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, to dismiss the First Coordinated Amended Complaint.

The grounds for this motion are set forth in the accompanying Memorandum of Law of Pfizer Inc. and Warner-Lambert Company in Support of Their Motions to Dismiss the Amended Class Action Complaint and the First Coordinated Amended Complaint (the “Memorandum of Law”).

In support of this motion, Defendants submit the Memorandum of Law and a Declaration of David B. Chaffin.

WHEREFORE, Defendants respectfully request that the Court dismiss the First Coordinated Amended Complaint.

REQUEST FOR ORAL ARGUMENT

Defendants believe that oral argument may assist the Court and wish to be heard. Defendants therefore request oral argument on this motion on June 1, 2005, as previously scheduled by the Court.

Dated: March 17, 2005

DAVIS POLK & WARDWELL

By: /s/James P. Rouhandeh
James P. Rouhandeh

450 Lexington Avenue
New York, New York 10017
(212) 450-4000

- and -

HARE & CHAFFIN

By: /s/David B. Chaffin
David B. Chaffin

160 Federal Street
Boston, Massachusetts 02110
(617) 330-5000

*Attorneys for Defendants Pfizer Inc.
and Warner-Lambert Company*

CERTIFICATE OF CONSULATION

I certify that counsel have conferred and attempted in good faith to resolve or narrow the issue presented by this motion.

/s/David B. Chaffin